

unbroken packages at New York, N. Y., alleging that the article had been shipped by the Fisher Creamery Co., Fisher, Minn., on or about April 19, 1928, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 4, 1928, the Fisher Creamery Co., Fisher, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15756. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22786. I. S. No. 24507-x. S. No. 787.)

On April 27, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Twin Willows Creamery Co., Holloway, Minn., on or about April 19, 1928, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 4, 1928, the Twin Willows Creamery Co., Holloway, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15757. Misbranding of cottonseed meal. U. S. v. East St. Louis Cotton Oil Co. (Forrest City Cotton Oil Mill). Plea of guilty. Fine, \$100. (F. & D. No. 22529. I. S. Nos. 9361-x, 10219-x.)

On November 8, 1927, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the East St. Louis Cotton Oil Co., trading as the Forrest City Cotton Oil Mill, Forest City, Ark., alleging shipment by said company, in violation of the food and drugs act, on or about October 4, 1926, from the State of Arkansas into the State of Indiana, and on or about September 22, 1926, under the name of the Humphreys-Godwin Co., from the State of Arkansas into the State of Ohio, of quantities of cottonseed meal which was misbranded.

It was alleged in the information that the article was misbranded in that the statements, to wit, "Protein 43.00% * * * Crude Fiber 10.00%," with respect to a portion of the product, and "Guarantees this 'Lovit Brand' 43% Cottonseed Meal to contain not less than * * * 43.0 per cent of crude protein, not more than 10.0 per cent of crude fiber," with respect to the remainder thereof, borne on the tags, were false and misleading in that the said statements represented that the article contained not less than 43 per cent of protein, or crude protein, as the case might be, and not more than 10 per

cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, or crude protein, and not more than 10 per cent of crude fiber, whereas it contained less than 43 per cent of protein, or crude protein, and more than 10 per cent of crude fiber.

On March 20, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15758. Adulteration of figs. U. S. v. 40 Boxes of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22503. S. No. 619.)

On March 2, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 boxes of figs, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mason Ehrmann Co., on or about February 28, 1928, from Portland, Ore., and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, an examination of the article showing the presence of worms and that it was sour and moldy, and also disclosing the presence of sticks and straw and live insects.

On March 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15759. Adulteration of butter. U. S. v. 306 Tubs, et al., of Butter. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 22686, 22711. I. S. Nos. 21689-x, 21692-x. S. Nos. 697, 700.)

On March 15 and March 18, 1928, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 318 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned in two lots, on or about February 27 and February 28, 1928, respectively, alleging that the article had been shipped by the North American Creamery Co., in part from Paynesville, Minn., and in part from Watertown, S. Dak., and transported from the States of Minnesota and South Dakota, respectively, into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of March 4, 1923, providing that butter shall contain not less than 80 per cent by weight of milk fat.

On March 20, 1928, the North American Creamery Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libels, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$10,000, conditioned in part that it be reworked under the supervision of this department so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15760. Misbranding of olive oil. U. S. v. 20 Cans, et al., of Olive Oil. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22654, 22673. I. S. Nos. 17429-x, 17435-x. S. Nos. 692, 715.)

On March 20 and March 28, 1928, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 6 cases, each containing 12 one-gallon cans, 4 cases, each containing 24 one-half-gallon cans, and 20 cans of olive oil, remain-